IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.63/2005
Lokesh Kumar @ Lok Nath Vs. Mandir Murti Shri Ganeshji Maharaj & anr.

30.10.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri Anil Mehta, for the appellant.
Shri A.K. Pareek, for the respondent.

Learned counsel for the appellant in consultation with the appellant No. 7 Bheem Sen son of Harish Chand who is present in the court submits that the appellants do not wish to press this appeal on merits as instructed by the appellant No.7 who has been authorised in this behalf, hence he submits on behalf of all the appellants that some reasonable time may be allowed to the appellants to vacate the premises.

Learned counsel for the for the respondent submits that the respondent-decree-holder is willing not to execute the decree upto 31.3.2009 in case the appellant under takes to hand over vacant and peaceful possession of the premises on or before 31.3.2009.

In view of the above, this appeal is dismissed. It is however directed that in case the appellants submits an undertaking before the the learned trial court within four weeks from today that they would handover the vacant and peaceful possession of the premises in dispute to the decree holder plaintiff landlord on or before 31.3.2009, the respondent plaintiff would not execute the decree till then. The appellants shall also undertake that they would not assign, sub-let or part with the possession of the premises in dispute or create any 3rd party interest in the premises. The appellants shall also pay all the arrears of rent

upto 31.10.2007 as per the decree within the aforesaid period of four weeks or deposit the same before the learned trial court, and continue to deposit/pay the rent month by month by the 15th of the next succeeding month thereafter. It is however made clear that in case any of the above conditions are not fulfilled as aforesaid the landlord decree-holder would be entitled to execute the decree forthwith.

The second appeal as well as the stay application are dismissed subject to the above.

(DALIP SINGH),J.

Ramchandrkhatri,PS